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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,536	03/09/2004	Wilhelm Schott	6039-000325	2002
27572	7590	11/07/2005		
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
			EXAMINER BINDA, GREGORY JOHN	
			ART UNIT 3679	PAPER NUMBER

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,536

Applicant(s)

SCHOTT ET AL.

Examiner

Greg Binda

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3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/04; 6/28/05</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of Species I shown in Figs. 1-3 in the reply filed September 22, 2005 is acknowledged. The traversal is on the ground(s) that a search and a substantive analysis of the entire application will place no serious burden on the examiner. This is not found persuasive because it does address the patentability of any one of the species with regard to each of the other species. Thus applicant has failed to submit valid grounds for overcoming the election requirement. See MPEP § 808.01(a).

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 9 & 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 22, 2005.

Drawings

3. The drawings are objected to because:
- a. In Fig. 2 the leftmost instance of numeral 24 should be changed to 25.
 - b. The drawings fail to show the limitations of claim 10
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because:
 - a. Page 6, line 14, “Fig. 2” should be changed to “Fig. 1”.
 - b. Page 7, line 9, the word “centered” is misspelled.
 - c. Page 7, line 15, “Figure 4” should be changed to “Fig. 3”.
6. The specification is objected to as failing to provide proper antecedent basis for the following claimed subject matter:
 - a. Claim 1, lines 8 & 9 and claim 12: abutments “can be brought into abutment with the first driving elements”
 - b. Claim 2, line 5: “the first driving elements engaging in the gaps”

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- c. Claim 8, line 2: "driving elements are integrally formed as rotational abutments on the driving member portion"

Claim Objections

7. The claims are objected to as failing to comply with 37 CFR 1.75(g) because the least restrictive claim is not presented as claim number 1.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-8, 10 & 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1, lines 10+ and claim 12, lines 7+ recite the limitation "said driving member rotationally supported . . . on the connection plate or a component connected to the connection plate." However, the specification does not teach nor do the drawings show the driving member 20 rotationally supported on the connection plate 10 or the component 12 connected to the connection plate. Instead Fig. 2 shows the component 12 rotationally supported on the driving member 20,

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10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 2, 3, 5, 8 & 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claims 2 & 8 recite the limitation, "rotational abutments". It is not clear if these rotational abutments are the same as, or different from the rotational abutments recited in claim 1, line 8.
- b. Claim 3, line 2 recites the limitation, "the first driving element". There is insufficient antecedent basis for this limitation in the claim because no single driving element is previously identified.
- c. Claim 5 recites the limitation "the bearing bore driving member". There is insufficient antecedent basis for this limitation in the claim.
- d. Claim 10 recites the limitation "torque transmission elements". It is not clear if these elements include or are exclusive of the one torque transmission element recited in claim 1, line 4.
- e. Claim 10 recites the limitation "the coupling housing" and "the coupling hub". There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 4 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Walterscheid, GB 978,027. Figs. 1 & 2 show a torque transmission device for driving or in drives of agricultural devices or self-propelled machines, the device comprising: a coupling having a first coupling element 4 with a connection plate 4, a second coupling element 1 rotationally arranged to the first coupling element, at least one torque transmission element 3, transmitting torque in at least one rotational direction around a longitudinal axis between the first coupling element and the second coupling element; first driving elements 5 connected to the connection plate 4; and a driving member 6 including rotational abutments 8, which can be brought into abutment with the first driving elements for a torque transmission around the longitudinal axis after passing a predetermined rotational free motion (see “a certain limited relative rotation” at page 2, lines 8 & 9), the driving member rotationally supported around the longitudinal axis on a component 3 connected to the connection plate 4. Fig. 1 shows the driving member 6 comprises a universal joint yoke of a universal joint belonging to a universal joint shaft (see also “Cardan shaft” at page 2, lines 18 & 19).

14. Claims 1, 2, 4, 10 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Jennings, US 4,464,137. Figs. 1-4 show a torque transmission device for driving or in drives of agricultural devices 10 or self-propelled machines, the device comprising: a coupling 20 having a first coupling element with a connection plate 26, a second coupling element 42 rotationally

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arranged to the first coupling element, at least one torque transmission element 32, transmitting torque in at least one rotational direction around a longitudinal axis between the first coupling element and the second coupling element; first driving elements 50 connected to the connection plate 26; and a driving member 47 including rotational abutments 55, which can be brought into abutment with the first driving elements 50 for a torque transmission around the longitudinal axis after passing a predetermined rotational free motion (see “a limited amount of rotational movement” at col. 4, lines 16 & 17). Figs. 1 & 3 show the driving member 47 comprises a universal joint yoke of a universal joint 16 belonging to a universal joint shaft. Fig. 3 shows the coupling 20 is formed as a torque limiting coupling, wherein retaining elements 29, 32 arranged as torque transmission elements are elastically supported (via springs 38) between a coupling housing 27 and coupling hub 40.

15. Claims 1, 6, 7 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller, US 3,003,340. Figs. 1-8 show a torque transmission device for driving or in drives of agricultural devices or self-propelled machines, the device comprising: a coupling (Fig. 7) having a first coupling element C with a connection plate 37, a second coupling element E rotationally arranged to the first coupling element, at least one torque transmission element 76, transmitting torque in at least one rotational direction around a longitudinal axis between the first coupling element and the second coupling element; first driving elements F connected to the connection plate 37; and a driving member B including rotational abutments 22, 23, which can be brought into abutment (see “cooperate” in col. 2, line 15) with the first driving elements F for a torque transmission around the longitudinal axis after passing a predetermined rotational free

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motion. Figs. 4, 5 & 9 show the device further comprising a support plate 95 held by the first driving element F at an axial distance to the connection plate 37, the driving elements F forming distance holders 90, so that between the support plate 95 and the connection plate 37 a space is formed, and a driving member portion 12 of the driving member B is accommodated in the space in a rotatable manner. Fig. 9 shows the support plate is rotationally supported with a bearing portion 96.

16. Claims 1, 4, 6, 7, 10 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Landrum, US 3,050,965.

a. Claims 1 & 12. Figs. 8 & 9 show a torque transmission device for driving or in drives of agricultural devices or self-propelled machines, the device comprising: a coupling having a first coupling element with a connection plate 62, a second coupling element 54 rotationally arranged to the first coupling element, at least one torque transmission element 76 (see col. 4, line 55), transmitting torque in at least one rotational direction around a longitudinal axis between the first coupling element and the second coupling element; first driving elements 64 connected to the connection plate 62; and a driving member 56 including rotational abutments 66, which can be brought into abutment with the first driving elements 64 for a torque transmission around the longitudinal axis after passing a predetermined rotational free motion (see also col. 4, line 54). Fig. 9 shows the connection plate 63 is rotationally supported on the driving member.

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- b. Claim 4. In col. 1, lines 38-40 and col. 4, lines 61-63 the driving member 53, 56 is disclosed as comprising a universal joint yoke of a universal joint belonging to a universal joint shaft.
- c. Claim 6. Figs 8 & 9 show the first driving elements 64 are formed by cylindrical distance sleeves, which are supported on the connection plate 62 and, when a support plate 69 is provided, are also on the support plate.
- d. Claim 7. Figs. 8 & 9 show the support plate 69 is fixed by screws 64 passed through the first driving element on the connection plate.
- e. Claim 10. Fig. 9 shows the coupling is formed as a torque limitation coupling, wherein retaining elements 76 (see col. 4, line 55) arranged as elastically supported torque transmission elements.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 3, 5 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landrum in view Yabe, US 6,743,105.

- a. Claim 2. In Figs. 8 & 9 Landrum shows the driving member 56 includes second driving elements (see in Fig. 8 the inner sidewalls of the gaps 66) formed as rotational

abutments radially distributed around the driving member, and gaps 66 formed between the abutments, the first driving elements 64 engaging in the gaps in a circumferential direction around the longitudinal axis with a rotational free motion. Landrum does not show the rotational abutments projecting from the circumference of the second driving elements but instead shows the abutments as the sidewalls of the slots 66. Yabe shows that rotational abutments projecting from the circumference of a driving element (see Figs. 2 & 4) are the functional equivalent of rotational elements in the sidewalls of slots in a driving element (see Figs. 6 & 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the torque transmission device of Landrum by making the second driving element with rotational abutments in the form of radial projections instead of slot sidewalls since radial projections and slot sidewalls are functionally equivalent rotational abutments as shown in Yabe.

b. Claim 3. In Figs. 8 & 9 the torque transmission device of Landrum is shown with a support plate 69 held by the first driving elements 64 at an axial distance to the connection plate 62, the driving elements forming distance holders, so that between the support plate and the connection plate a space is formed, and the driving member 56 is accommodated in the space in a rotatable manner.

c. Claim 5. In Fig. 9 Landrum shows the support plate 69 has a bearing bore centered on the longitudinal axis, in which the plate is rotationally supported.

d. Claim 8. In Figs. 8 & 9, Landrum shows three second driving elements 66 are integrally formed as rotational abutments/gaps on the driving member 56 and three first driving elements 64 are provided in the gaps.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679